U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2001-01378

PROJECT LOCATION INFORMATION:

State: New York
County: Orange

Center coordinates of site (latitude/longitude): lat:41-30-24.8040 lon:74-3-37.9080 Approximate size of area (parcel) reviewed, including uplands: 11.595 aeres.

Name of nearest waterway: Unnamed Tributary to Quassaic Creek

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

1	ľ	TI	p	ſ	C	I	ì	ī	C	Г	r	n	1	V	1	١	I	n	H	Ŗ۳	Г	Г	T	2	T.	1	I	٦	į	٨	. 1	Γl	1	വ	'n	ď
ı	u	u	ĸ			L	,	u	L.,			u	1	٦	1	١.	L	IJ	,	P.		P.	ıг	١.	П	1	1.	10.	٠.	м					יווי	٧.

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): June 2, 2004

Jurisdictional Determination (JD):

[] Prelími	nary JD - Bas	ed on av	ailable info	ormation, [] there o	ppear to	be (or	·) [] there app	pear to be no "	waters of t	he
	United States"	' and/or '	"navigable	waters of t	he Unite	d States"	on the	project site.	A preliminary	JD is not	appealable
ı	(Reference 33	CFR pa	rt 331).								

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.96 acres.
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 - [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include a perennial stream which is an unnamed tributary to Quassaic Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Linc indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	other:
	[] other.
[] other:	
[] Mean High Water Mark indicated by:	F. D. Company Company of the Company
[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	land delineation map and/or in a delineation report prepared by:
Pacia For Not Accousing Invindictions	
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFF	2 mort 228(a)/[2 or 4.7)
[] Headquarters declined to approve jurisdiction on the	
	hat the following waters present on the site are not Waters of
the United States:	1 1 20 077
[] Waste treatment systems, including treatment po	
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
•	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	ater for primarily aesthetic reasons.
[] Water-filled depressions created in dry land incident	dental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unle	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inte	
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	4INATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behal	f of the applicant.
[X] Data sheets prepared/submitted by or on behalf of t	the applicant.
[] This office concurs with the delineation report, d	dated , prepared by (company):
[] This office does not concur with the delineation	
Data sheets prepared by the Corps.	, , , , , , , , , , , , , , , , , , , ,
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	ans: Newburgh NV
[] U.S. Geological Survey 7.5 Minute Topographic in	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[X] USDA Natural Resources Conservation Service Soi	1 Survey: Orange County, NY
[X] National wetlands inventory maps: Newburgh, NY	
[X] State/Local wetland inventory maps: Newburgh, N	Y
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: June 2, 2004	
[] Applicable/supporting case law:	
[] Other information (please specify):	
" " " " " " " " " " " " " " " " " "	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2002-00144 PROJECT LOCATION INFORMATION: State: New York County: Essex Center coordinates of site (latitude/longitude): lat:44-16-18.9480 lon:73-43-37.2720 Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Burpee Brook LAKE CHAMPLAIN Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: June 28, 2004 [X] Site visit(s) ٢1 Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that arc subject to the ehh and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itselfa navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Burpee Brook flows into Lake Champlain, a navigable waterbody.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[X] ehanges in the character of soil	[] physical markings/characteristics
	[X] destruction of terrestrial vegetation	[] tidal gages
	[X] shelving	[] other:
	[] other:	• •
	()	
	[] Mcan High Water Mark indicated by:	
		gs; [] vegetation lines/changes in vegetation types.
	[]	E-, () B Americaning or in (- Sentinon 1) poor
	[] Wetland boundaries, as shown on the attached wet	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7)
	[] Headquarters declined to approve jurisdiction on the	
		that the following waters present on the site are not Waters of
		that the following waters present on the site are not waters of
	the United States:	1 1 2 22 22 22 22 22 22 22 22 22 22 22 2
	[] Waste treatment systems, including treatment p	
	[] Artifieially irrigated areas, which would revert	
	[] Artificial lakes and ponds created by excavating	
	retain water and which are used exclusively for	such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain v	
		idental to construction activity and pits excavated in dry land for
		less and until the construction or excavation operation is
		ts the definition of waters of the United States found at 33 CFR
		is the definition of waters of the Office States found at 35 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to int	
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches exeavate	ed on dry land. Explain rationale:
	[] Other (explain):	
DATA	BEVIEWED FOR HUDISDICTIONAL DETERMINAL	TION (mark all that apply).
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	
	[X] Maps, plans, plots or plat submitted by or on beha	
	[] Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report,	
	[] This office does not coneur with the delincation	report, dated , prepared by (company):
	[] Data shects prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic r	na n s:
	[] U.S. Geological Survey 7.5 Minute Historic quadra	
	[] U.S. Geological Survey 15 Minute Historic quadran	
	[] USDA Natural Resources Conservation Service Soi	1 Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland bydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-00867 PROJECT LOCATION INFORMATION: New Jersey State: Middlesex County: Center eoordinates of site (latitude/longitude): lat:40-29-15.8280 lon:74-25-47.8920 Approximate size of area (parcel) reviewed, including uplands: 5 acres. Name of nearest waterway: Raritan River Name of watershed: RARITAN RIVER JURISDICTIONAL DETERMINATION Desktop determination Completed: [X] Date: September 11, 2003 Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or arc presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish arc or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes ehecked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Raritan River is a navigable water of the U.S.

[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (6) The presence of territorial seas.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	
	[] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[X] physical markings/eharacteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	[] other:	
	IVI Moon High Water Mark indicated by	
	[X] Mean High Water Mark indicated by:	- Figure 1 and 1 a
	[] survey to available datum; [X] physical marking	3s; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFF	2 port 328(a)(1 - 2 or 4.7)
	[] Headquarters declined to approve jurisdiction on the	
		hat the following waters present on the site are not Waters of
	the United States:	1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
	[] Waste treatment systems, including treatment po	
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
	retain water and which are used exclusively for a	such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water creared
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	[] Isolated, intrastate wetland with no nexus to inte	retate commerce
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches exeavated	i on dry land. Explain rationale:
	[] Other (explain):	
DATA I	REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behal	
	[] Data sheets prepared/submitted by or on behalf of the	• •
	[] This office concurs with the delineation report, d	
	[] This office does not concur with the delineation	
		report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographie ma	
	[] U.S. Gcologieal Survey 7.5 Minute Historic quadran	gles:
	[] U.S. Geological Survey 15 Minute Historic quadrang	gles:
	[] USDA Natural Resources Conservation Service Soil	Survey:
	[] National wetlands inventory maps:	·
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

¹Wetlands are identified and delincated using the metbods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01355 PROJECT LOCATION INFORMATION: New York State: County: Sullivan Center coordinates of site (latitude/longitude): lat:41-39-6.0120 lon:74-39-54.0000 Approximate size of area (parcel) reviewed, including uplands: 7.71 acres. Name of nearest waterway: Tannery Brook Name of watershed: DELAWARE RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [X]Site visit(s) Date(s): July 30, 2003 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5.36 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters of the United States include a portion of Tannery Brook, and associated wetlands. Tannery Brook is a tributary to the Neversink River, a tributary to the Delaware River.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
		[] office.
	[] other:	
	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland G. Torgersen.	d delineation map and/or in a delineation report prepared by: Robert
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFF	l part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).
		hat the following waters present on the site are not Waters of
	the United States:	
	[] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds ereated by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	rem purposes as stock watering, milguren, setting sucino, of
	[] Artificial reflecting or swimming pools or other	small ornamental hodies of water created
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or exeavation operation is
		s the definition of waters of the United States found at 33 CFR
	[] Isolated, intrastate wetland with no nexus to inte	rstate commerce
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	
	[] Other (explain):	1 on dry land. Explain factoriale.
	[] Other (exprain).	
DATA F	REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behal	
	Data sheets prepared/submitted by or on behalf of the	
		dated May 13, 2003, last revised August 12, 2003, prepared by
	(company): Robert G. Torgersen	
	[] This office does not concur with the delineation	report, dated , prepared by (eompany):
	Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic m	ans: Monticello
	[] U.S. Geological Survey 7.5 Minute Historic quadran	•
	[] U.S. Geological Survey 15 Minute Historic quadrant	
	USDA Natural Resources Conservation Service Soil	
		Survey.
	[] National wetlands inventory maps:	
	[] Srate/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: July 30, 2003	}
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, eontiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01369 PROJECT LOCATION INFORMATION: State: New York County: Sullivan Center coordinates of site (latitude/longitude): lat:41-42-42.0120 lon:74-38-48.0120 Approximate size of area (parcel) reviewed, including uplands: 153.9 acres. Name of nearest waterway: Unnamed Tributary to Sheldrake Stream Name of watershed: DELAWARE RIVER JURISDICTIONAL DETERMINATION Desktop determination Date: Completed: Site visit(s) [X]Date(s): August 18, 2003 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 52.44 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

 [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or forcign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on site are associated with an unnamed tributary to Sheldrake Stream, which is a tributary to the Neversink River.

The Neversink River is a tributary to the Delaware River.

<u>Pictrzak</u>

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] ehanges in the eharacter of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	[] other.
[] other.	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland Pfau.	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFF	2 part 328(a)(1 2 or 4-7)
[] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
	nds or laggons, pursuant to 33 CED part 228 3
[] Waste treatment systems, including treatment po [] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	11 - 4 1 12 6 4 4 4
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to into	
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
[] Other (explain):	
DATA DEVIEWED FOR HIDIODICTIONAL DETERM	AINATION (construit all abot and le)
DATA REVIEWED FOR JURISDICTIONAL DETERM	
[X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of t	
	dated June 19, 2003, prepared by Miller Associates, Inc.:
[] This office does not concur with the delineation	report, dated , prepared by (company):
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	M II
[X] U.S. Geological Survey 7.5 Minute Topographic m.	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[] USDA Natural Resources Conscrvation Service Soil	Survey:
[X] National wetlands inventory maps: Monticello	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: August 18, 2	<u>003</u>
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01376 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): lat:41-18-10.5480 lon:74-11-34.9800 Approximate size of area (parcel) reviewed, including uplands: 46.6 aeres. Name of nearest waterway: Unnamed Tributary PASSAIC RIVER Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X]Date(s): April 29, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.1 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are eurrently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands1. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

- destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The unnamed tributaries and associated wetlands are tributaries to the Ramapo River, a tributary to the Passaic River.

Lateral Extent of Jurisdiction: (Reference: 33 CI	FR parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] elear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] ehanges in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical mark	tings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by: Rohert
G. Torgersen, Landscape Architecture and Environn	
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 (CFR part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on	the basis of 33 CFR part 328.3(a)(3).
	on that the following waters present on the site are not Waters of
	ponds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would rever	
[] Artificial lakes and ponds created by excavati	
retain water and which are used exclusively f rice growing.	for such purposes as stock watering, irrigation, settling basins, or
Artificial reflecting or swimming pools or oth	ner small ornamental bodies of water created
by excavating and/or diking dry land to retain	
	ncidental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water m	unless and until the construction or excavation operation is neets the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to i	
	ne Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excav	ated on dry land. Explain rationale:
[] Other (cxplain):	
DATA REVIEWED FOR JURISDICTIONAL DETERMIN	(ATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on be	
[X] Data sheets prepared/submitted by or on behalf	
	, dated June 22, 2004 by Robert G. Torgersen, Landscape Architecture
and Environmental Sciences.	, dated June 22, 2004 by Robert G. Torgerson, Editedeape Meinteerare
[] This office does not concur with the delineati	ion report, dated , prepared by (company):
Data sheets prepared by the Corps.	on report, dated , prepared by (company).
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
	money Moneya
[X] U.S. Geological Survey 7.5 Minute Topographic	
[] U.S. Geological Survey 7.5 Minute Historic quad	
[] U.S. Geological Survey 15 Minute Historic quad	
[] USDA Natural Resources Conscrvation Service S	5011 Survey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: April 29,	2004
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)
FILE NUMBER: 2003-01379

PROJECT LOCATION INFORMATION:

State: New York County: Orange

Center coordinates of site (latitude/longitude): lat:41-17-42.7560 lon:74-19-39.7920 Approximate size of area (parcel) reviewed, including uplands: 108.41 acres.

Name of nearest waterway: Black Meadow Creck

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

Ī	1	F	1	ıs	n	I	C	Γī	C	1	J	Δ	1	n	ı	R.	Г	Ē.	R	7	V	Ī	,	Ĭ.	Á	1	r	(7	N	J

Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Date(s): April 29, 2004

Jurisdictional Determination (JD):

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.19 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[]] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used	, or	have	been	used
	in the past, or may be susceptible for use to transport interstate or foreign commerce.				

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[]([] (1) The presence of waters, which are currently used, or were used in the past,	or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the	cbb and flow of the tide.
[]([] (2) The presence of interstate waters including interstate wetlands ¹ .	
[]([] (3) The presence of other waters such as intrastate lakes, rivers, streams (includ	ing intermittent streams), mudfla
	and flats water de sloveks projete notheles wat mandows playe lakes or -	intural nonder the user degradation

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or πatural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Waters of the United States on site include Black Meadow Creek, a tributary to Otter Creek and Moodna Creek. Moodna Creek is a tributary to the Hudson River.

Lateral Extent of Jurisdiction: (Reference: 33 CFR [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the eharacter of soil [] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mcan High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetlan G. Torgersen Landscaping and Architecture and Environment	d delineation map and/or in a delineation report prepared by: Robert onmental Sciences.
the United States: [] Waste treatment systems, including treatment potential of the content of	that the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. o upland if the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is sthe definition of waters of the United States found at 33 CFR derestate commerce. Natural Resources Conservation Service. Explain rationale: d on dry land. Explain rationale:
REVIEWED FOR JURISDICTIONAL DETERMINAT [X] Maps, plans, plots or plat submitted by or on behalf	` · · · · · · · · · · · · · · · · · · ·
[X] Data sheets prepared/submitted by or on behalf of	the applicant.
[X] This office concurs with the delineation report, or Landscaping and Architecture and Environmental Seier	dated June 30, 2003, prepared by (company): Robert G. Torgersen
[] This office does not concur with the delineation	
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologie Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographie m	
[] U.S. Geological Survey 7.5 Minute Historic quadran [] U.S. Geological Survey 15 Minute Historic quadran	
[] USDA Natural Resources Conservation Service Soil	
[] National wetlands inventory maps:	·
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	0.4
[X] Site visit/determination conducted on: April 29, 20 [] Applicable/supporting case law:	∪•
[] Other information (please specify):	

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2004-00778 PROJECT LOCATION INFORMATION: State: New York County: Orange Center coordinates of site (latitude/longitude): lat:41-28-9.0480 lon:74-7-25.8960 Approximate size of area (parcel) reviewed, including uplands: 98.62 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: Hudson River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [X]Date(s): August 17, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 38.6 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent to an unnamed tributary to Beaverdam Lake. The outlet channel to Beaverdam Lake discharges into the Moodna Creek, which is a navigable waterway in its lower reaches. Moodna Creek discharges into the Hudson River, which is also navigable.

	Asteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) X Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] other: [] water 4328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
-	X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: MJS nginecring, PC
]]]	asis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small omamental bodics of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). I Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): (] Maps, plans, plots or plat submitted by or on behalf of the applicant. (] Data sheets prepared/submitted by or on behalf of the applicant. (] I This office concurs with the delineation report, dated , prepared by (company): (] This office does not concur with the delineation report, dated , prepared by (company): (] Data sheets prepared by the Corps. (] Corps' navigable waters' studies: Determination for Moodna Creek (] U.S. Geological Survey Hydrologic Atlas: (] U.S. Geological Survey 7.5 Minute Topographic maps: Cornwall-on-Hudson Quadrangle (] U.S. Geological Survey 15 Minute Historic quadrangles: (] U.S. Geological Survey 15 Minute Historic quadrangles: (] U.S. A Natural Resources Conservation Service Soil Survey: Orange County (] National wetlands inventory maps: (] State/Local wetland inventory maps: (] FEMA/FIRM maps (Map Name & Date): (] 100-year Floodplain Elevation is: (NGVD) (] Aerial Photographs (Name & Date): (] Other photographs (Date): April 10, 2003 (] Advanced Identification Wetland maps: (] Site visit/determination conducted on: August 17, 2004 (] Applicable/supporting case law: (] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00989

PROJECT LOCATION INFORMATION	TION INFORMATION:
------------------------------	-------------------

State: New York
County: Orange

Center coordinates of site (latitude/longitude): lat:41-19-9.9840 lon:74-21-6.0120 Approximate size of area (parcel) reviewed, including uplands: 49.52 acres.

Name of nearest waterway: Unnamed Tributary to Browns Creek

Desktop determination

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

m	JRISD	CT	ın	N.		DE	rrp	M	INIA	T	n	N	ľ
	JELOU			1 1	41 /	IJ E.	I E K	IV.				ж	ı

Completed:

•	Site visit(s)	[X]	Date(s): November 18, 2004
Jurisdiction	al Determination (JD):		
		_] there appear to be (or) [] there appear to be no "waters of the he United States" on the project site. A preliminary JD is not appealable
	eference 33 CFR part 331		the officed states on the project site. A premiumary 1D is not appearable

Date:

[X	Approved JD	- An approved	JD is an	appealable	action	(Reference	33 CF	R part	331).
	Check all that	apply:							

[]	There are	"navigable wate	rs of the United	States"	(as defined	by 33	CFR	part	329 a	and a	associated	guidan	e)
	within the	reviewed area.	Approximate si	ze of ju	risdictional	агеа:							

- [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 23.71 acres.
- [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 - [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands!.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate eommerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributary to Browns Creek, which flows to Quaker Creek, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	T I magazinian limas/alamana in magazinian taman
[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	e basis of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination t	that the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment po	onds or Jagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert t	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
	such purposes as stock watering, irrigation, setting basins, of
rice growing.	ample ampropriate hading of material
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or exeavation operation is
abandoned and the resulting body of water meet 328.3(a).	is the definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to inte	erstate commerce
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
	d on dry fand. Explain fationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	• • • •
[X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of	• •
[] This office concurs with the delineation report, of	
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	laps: Warwick, NY
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadran	
[X] USDA Natural Resources Conservation Service Soi	
[X] National wetlands inventory maps: Warwick, NY	, but to jit of unigo country, 11.2
[X] State/Local wetland inventory maps: Warwick, NY	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: November 1	8, 2004
[] Applicable/supporting case law:	
[] Other information (please speeify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2005-00339

PROJECT LOCATION INFORMATION:

State: New York

County: Sullivan

Center coordinates of site (latitude/longitude): lat:41-40-5.0160 lon:74-40-5.9880

Approximate size of area (parcel) reviewed, including uplands: 19 acres.

Name of nearest waterway: Kiamesha Lake Name of watershed: DELAWARE RIVER

J	URISDICTIONAL	L DETERMINATION		
	Completed:	Desktop determination	[]	Date:
	•	Site visit(s)	[X]	Date(s): September 2, 2004
-	Jurisdictional De	etermination (JD):		
	United		, E] there appear to be (or) [] there appear to be no "waters of the he United States" on the project site. A preliminary JD is not appealable
	[X] Approved JD Check all that	• •	pealable a	action (Reference 33 CFR part 331).
		'navigable waters of the Un reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
		"waters of the United State rea. Approximate size of ju	-	ined by 33 CFR part 328 and associated guidance) within the nal area: 5.08 acres.
				aters or wetlands" within the reviewed area.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or eould be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are associated with Kiamesha Lake, which flows to Kiamesha Creek, which flows to Sheldrake Stream, which flows to the Neversink River, which flows to the Delaware River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Glenn L Smith Consulting Engineer, P.C.
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by exeavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits exeavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or exeavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches exeavated on dry land. Explain rationale: [] Other (explain):
TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): X] Maps, plans, plots or plat submitted by or on behalf of the applicant. X] Data sheets prepared/submitted by or on behalf of the applicant. [X] This office concurs with the delineation report, dated May 31, 2003 and September 9, 2004, prepared by (eompany): Dewberry Goodkind, Inc. [] This office does not concur with the delineation report, dated , prepared by (eompany): [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: X] U.S. Geological Survey 7.5 Minute Topographic maps: Monticello [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. A Resources Conservation Service Soil Survey: [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): X] Other photographs (Date): [] Advanced Identification Wetland maps: X] Site visit/determination conducted on: September 2, 2004 [] Applicable/supporting case law: [] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.